

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IN RE: DIGITEK PRODUCT LIABILITY  
LITIGATION**

**MDL NO. 1968**

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**THIS DOCUMENT RELATES TO ALL CASES**

**CROSS NOTICE OF VIDEOTAPED DEPOSITION  
OF CLAUDE E. JARRELL**

**PLEASE TAKE NOTICE** that the deposition of Plaintiff and class representative Claude E. Jarrell will be taken in coordination with In re Digitek® Product Liability Litigation, MDL No. 1968, which is pending in the United States District Court for the Southern District of West Virginia, and the following cases: (1) Jarrell v. Actavis Group, et al., Case No. 09-C-512, pending in the Circuit Court of Kanawha County, West Virginia; and (2) In re Digitek® Litigation, Case No. 08-C-5555, pending in the Circuit Court of Kanawha County, West Virginia.

The deposition will be taken via videotape and will take place at the offices of Allen Guthrie & Thomas, PLLC, 500 Lee Street, East, Suite 800, Charleston, West Virginia, 25333-3394, beginning at 9:00 am, Eastern Standard Time, on Thursday, July 2, 2009, before a duly authorized court reporter.

Counsel are invited to attend and cross examine the witness.

**PLEASE TAKE FURTHER NOTICE** that the above-referenced deposition will be conducted pursuant to a Protective Order, a copy of which is attached hereto as Exhibit A. Confidential information and documents have been produced in this litigation and may be

discussed or disclosed at the deposition. Accordingly, any person attending the deposition will have to agree to be bound by the terms of the Protective Order or an equivalent Protective Order entered by an appropriate state court. The portion of the deposition transcript containing the discussion and/or disclosure of such confidential information shall be bound separately and will not be made available to individuals who are not bound by the Protective Order.

The conduct of the deposition, including procedure for examining witnesses, will be governed by an Order regarding the Conduct of Discovery entered by the United States District Court for the Southern District of West Virginia in MDL No. 1968, a copy of which is attached hereto as Exhibit B.

Any questions regarding the above may be directed to Counsel for the Actavis Defendants in the MDL: Matthew P. Moriarty, Tucker Ellis & West LLP, 925 Euclid Ave., Suite 1150, Cleveland, Ohio, (216) 592-5000. Additionally, questions may be directed to Liaison Counsel for the Actavis Defendants in the MDL: Rebecca A. Betts, Allen Guthrie McHugh & Thomas, PLLC, 500 Lee Street, East, Suite 800, Charleston, West Virginia, 25333-3394, (304) 345-7250.

Dated June 11, 2009

ALLEN GUTHRIE & THOMAS, PLLC

By: 

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TUCKER ELLIS & WEST LLP

/s/ Mathew P. Moriarty

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*Counsel for Actavis Defendants*

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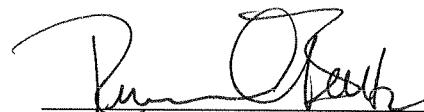
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 11, 2009, a copy of the foregoing Cross Notice of Videotaped Deposition of Claude E. Jarrell was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.



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